

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVON CHRISTOPHER WENGER,

Defendant.

Case No. [23-cr-00269-JSW-3](#)

**ORDER RE: MOTION FOR THE
ISSUANCE OF SUBPOENA FOR
RECORDS; VACATING HEARING
AND SETTING SCHEDULE**

Re: Dkt. No. 459

Defendant Devon Wenger has filed a noticed motion for the issuance of a subpoena for records pursuant to Federal Rule of Criminal Procedure 17 and Federal Rule of Civil Procedure 45(b). Defendant noticed the motion for May 30, 2025, a date on which the Court is unavailable and which does not comply with the time requirements of Criminal Local Rule 47-2. *See* Crim. L.R. 47-2(a) (requiring service of noticed motions “not less than 14 days” before the hearing on the motion). Additionally, the Court hears criminal motions on Tuesdays at 1:00 p.m., unless the parties request and the Court approves a specially set hearing. Accordingly, the Court VACATES the hearing set for May 30, 2025, to be reset if necessary after briefing is complete.

The Court further rules as follows:

The Government shall file a response to the motion, if any, by May 27, 2025.

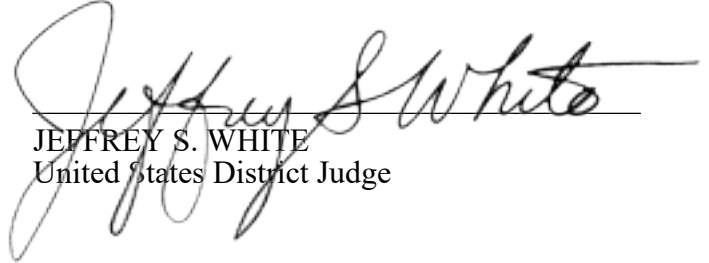
Defendant shall file a reply, if any, by June 3, 2025.

The proposed subpoena requests records relating to Dajon Smith, an alleged victim in this case. Pursuant to Federal Rule of Criminal Procedure 17(c)(3), “a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the

subpoena or otherwise object.” The parties shall indicate in their briefs whether they believe this rule is applicable to the proposed subpoena and, if yes, suggest a timeline for notice.

IT IS SO ORDERED.

Dated: May 20, 2025



JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California